

(A) statistically designed cooperative tagging studies;

(B) genetic and biochemical stock analyses;

(C) population censuses carried out through aerial surveys of fishing grounds and known migration areas;

(D) adequate observer coverage and port sampling of commercial and recreational fishing activity;

(E) collection of comparable real-time data on commercial and recreational catches and landings through the use of permits, logbooks, landing reports for charter operations and fishing tournaments, and programs to provide reliable reporting of the catch by private anglers;

(F) studies of the life history parameters of Atlantic bluefin tuna and other highly migratory species;

(G) integration of data from all sources and the preparation of data bases to support management decisions;

(H) include a cooperative research program on Atlantic billfish based on the Southeast Fisheries Science Center Atlantic Billfish Research Plan of 2002; and

(I) other research as necessary.

(3) In developing a program under this section, the Secretary shall—

(A) ensure that personnel and resources of each regional research center shall have substantial participation in the stock assessments and monitoring of highly migratory species that occur in the region;

(B) provide for comparable monitoring of all United States fishermen to which the Atlantic Tunas Convention Act of 1975 applies with respect to effort and species composition of catch and discards;

(C) consult with relevant Federal and State agencies, scientific and technical experts, commercial and recreational fishermen, and other interested persons, public and private, and shall publish a proposed plan in the Federal Register for the purpose of receiving public comment on the plan; and

(D) through the Secretary of State, encourage other member nations to adopt a similar program.

(Pub. L. 96-339, §3, Sept. 4, 1980, 94 Stat. 1070; Pub. L. 104-43, title III, §302(b), Nov. 3, 1995, 109 Stat. 382; Pub. L. 105-384, title II, §202(b)(2), Nov. 13, 1998, 112 Stat. 3453; Pub. L. 109-479, title IV, §405(b), Jan. 12, 2007, 120 Stat. 3633.)

#### REFERENCES IN TEXT

The Atlantic Tunas Convention Act of 1975, referred to in subsec. (b)(3)(B), is Pub. L. 94-70, Aug. 5, 1975, 89 Stat. 385, as amended, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 971 of this title and Tables.

#### CODIFICATION

Subsection (a), which required the Secretary of Commerce to prepare and submit to Congress a biennial report on the level of taking of bluefin tuna by United States fishermen in the Convention area as defined in Article I of the International Convention for the Conservation of Atlantic Tunas, the status of bluefin tuna stocks within the Convention area and the trends in their population level, and related information result-

ing from implementation of the observer program under section 1827 of this title, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 50 of House Document No. 103-7.

Section was not enacted as part of the Atlantic Tunas Convention Act of 1975 which comprises this chapter.

#### AMENDMENTS

2007—Subsec. (b)(2)(H), (I). Pub. L. 109-479 added subpar. (H) and redesignated former subpar. (H) as (I).

1998—Subsec. (b)(3)(B). Pub. L. 105-384 inserted “of 1975” after “Act”.

1995—Pub. L. 104-43 amended section catchline generally, designated existing provisions as subsec. (a), inserted heading, struck out last sentence which read as follows: “There are authorized to be appropriated such sums as may be necessary to carry out this section.”, and added subsec. (b).

**§971j. Repealed. Pub. L. 114-81, title I, §107(5), Nov. 5, 2015, 129 Stat. 658**

Section, Pub. L. 94-70, §11, as added Pub. L. 104-43, title III, §308, Nov. 3, 1995, 109 Stat. 386; amended Pub. L. 105-384, title II, §202(b)(1)(E), Nov. 13, 1998, 112 Stat. 3453, required the Secretary to submit an annual report.

#### §971k. Savings clause

Nothing in this chapter shall have the effect of diminishing the rights and obligations of any Nation under Article VIII(3) of the Convention.

(Pub. L. 94-70, §11, formerly §12, as added Pub. L. 104-43, title III, §308, Nov. 3, 1995, 109 Stat. 387; amended Pub. L. 105-384, title II, §202(b)(1)(E), Nov. 13, 1998, 112 Stat. 3453; renumbered §11, Pub. L. 114-81, title I, §107(5), Nov. 5, 2015, 129 Stat. 658.)

#### PRIOR PROVISIONS

A prior section 11 of Pub. L. 94-70 was renumbered section 12 and is set out as a Separability note under section 971 of this title.

Another prior section 11 of Pub. L. 94-70 was classified to section 971j of this title, prior to repeal by Pub. L. 114-81, title I, §107(5), Nov. 5, 2015, 129 Stat. 658.

#### AMENDMENTS

1998—Pub. L. 105-384 made technical amendment to style of heading and section designation in original act.

### CHAPTER 16B—EASTERN PACIFIC TUNA FISHING

**§§ 972 to 972h. Repealed. Pub. L. 114-81, title II, §210, Nov. 5, 2015, 129 Stat. 664**

Section 972, Pub. L. 98-445, §2, Oct. 4, 1984, 98 Stat. 1715, provided definitions for this chapter.

Section 972a, Pub. L. 98-445, §3, Oct. 4, 1984, 98 Stat. 1716, related to United States representation on the Council.

Section 972b, Pub. L. 98-445, §4, Oct. 4, 1984, 98 Stat. 1716, authorized the Secretary of State to act for United States.

Section 972c, Pub. L. 98-445, §5, Oct. 4, 1984, 98 Stat. 1716; Pub. L. 104-208, div. A, title I, §101(a) [title II, §211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-41, related to application to other laws.

Section 972d, Pub. L. 98-445, §6, Oct. 4, 1984, 98 Stat. 1716, related to disposition of fees.

Section 972e, Pub. L. 98-445, §7, Oct. 4, 1984, 98 Stat. 1716, related to regulations.

Section 972f, Pub. L. 98-445, §8, Oct. 4, 1984, 98 Stat. 1717, related to prohibited acts.

Section 972g, Pub. L. 98-445, §9, Oct. 4, 1984, 98 Stat. 1717; Pub. L. 101-650, title III, §321, Dec. 1, 1990, 104 Stat. 5117, related to enforcement.

Section 972h, Pub. L. 98-445, §10, Oct. 4, 1984, 98 Stat. 1719, authorized appropriations.

#### SHORT TITLE

Pub. L. 98-445, §1, Oct. 4, 1984, 98 Stat. 1715, which provided that Pub. L. 98-445 could be cited as the “Eastern Pacific Tuna Licensing Act of 1984”, was repealed by Pub. L. 114-81, title II, §210, Nov. 5, 2015, 129 Stat. 664.

### CHAPTER 16C—SOUTH PACIFIC TUNA FISHING

Sec.	
973.	Definitions.
973a.	Application to other laws.
973b.	Regulations.
973c.	Prohibited acts.
973d.	Exceptions.
973e.	Criminal offenses.
973f.	Civil penalties.
973g.	Licenses.
973h.	Enforcement.
973i.	Findings by Secretary.
973j.	Reporting requirements; disclosure of information.
973k.	Closed Area stowage requirements.
973l.	Observers.
973m.	Technical assistance.
973n.	Arbitration.
973o.	Disposition of fees, penalties, forfeitures, and other moneys.
973p.	Additional agreements.
973q.	Secretary of State to act for United States.
973r.	Authorization of appropriations.

#### § 973. Definitions

As used in this chapter—

(1) The term “Administrator” means the individual or organization designated by the Pacific Island Parties to act on their behalf under the Treaty and notified to the United States Government.

(2) The term “Authorized Officer” means any officer who is authorized by the Secretary, or the Secretary of the department in which the Coast Guard is operating, or the head of any Federal or State agency which has entered into an enforcement agreement with the Secretary under section 973h(a) of this title.

(3) The term “Authorized Party Officer” means any officer authorized by a Pacific Island Party to enforce the provisions of the Treaty.

(4) The term “applicable national law” means any provision of law of a Pacific Island Party which is described in paragraph 1(a) of Annex I of the Treaty.

(5) The term “Closed Area” means any of the closed areas identified in Schedule 2 of Annex I of the Treaty.

(6) The term “fishing” means—

(A) searching for, catching, taking, or harvesting fish;

(B) attempting to search for, catch, take, or harvest fish;

(C) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking, or harvesting of fish;

(D) placing, searching for, or recovering fish aggregating devices or associated electronic equipment such as radio beacons;

(E) any operations at sea directly in support of, or in preparation for, any activity described in this paragraph; or

(F) aircraft use, relating to the activities described in this paragraph except for flights in emergencies involving the health or safety of crew members or the safety of a vessel.

(7) The term “fishing vessel” or “vessel” means any boat, ship, or other craft which is used for, equipped to be used for, or of a type normally used for commercial fishing, and which is documented under the laws of the United States.

(8) The term “Licensing Area” means all waters in the Treaty Area except for—

(A) those waters subject to the jurisdiction of the United States in accordance with international law;

(B) those waters within Closed Areas; and

(C) those waters within Limited Areas closed to fishing.

(9) The term “licensing period” means the period of validity of licenses issued in accordance with the Treaty.

(10) The term “Limited Area” means any area so identified in Schedule 3 of Annex I of the Treaty.

(11) The term “operator” means any person who is in charge of, directs or controls a vessel, including the owner, charterer, and master.

(12) The term “Pacific Island Party” means a Pacific Island nation which is a party to the Treaty.

(13) The term “Party” means a nation which is a party to the Treaty.

(14) The term “person” means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

(15) The term “Secretary” means the Secretary of Commerce, or the designee of the Secretary of Commerce.

(16) The term “State” means each of the several States, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, American Samoa, the Virgin Islands, Guam, and any other Commonwealth, territory, or possession of the United States.

(17) The term “Treaty” means the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America, signed in Port Moresby, Papua New Guinea, April 2, 1987, and its Annexes, Schedules, and implementing agreements.

(18) The term “Treaty Area” means the area so described in paragraph 1(k) of Article 1 of the Treaty.

(Pub. L. 100-330, §2, June 7, 1988, 102 Stat. 591.)

#### EFFECTIVE DATE

Pub. L. 100-330, §21, June 7, 1988, 102 Stat. 601, provided that:

“(a) Except as provided in subsection (b) of this section, this Act [enacting this chapter] shall be effective